



IPW

Docket No.: 1691-0221PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Weiping ZENG et al.

Application No.: 10/585,991

Confirmation No.: @@@

Filed: July 13, 2006

Art Unit: N/A

For: ADHESIVE FOR DENTAL OR SURGICAL USE
AND POLYMERIZATION INITIATOR
COMPOSITION FOR THE SAME

Examiner: Not Yet Assigned

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

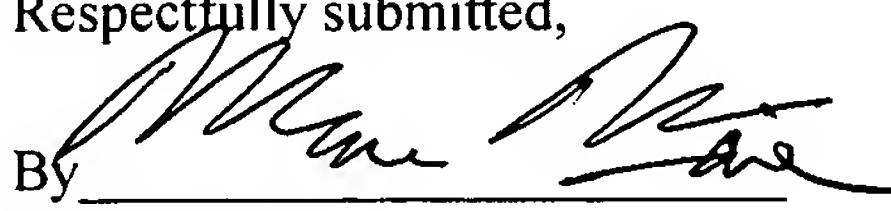
Sir:

Attached is a copy of the Notification of Transmittal of copies of Translation of the International Preliminary Examination Report mailed October 26, 2006. Please make this of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §1.16 or 1.14; particularly, extension of time fees.

Dated: FEB 2 2007

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachment(s)

PATENT COOPERATION TREATY

PCT/JP2005/000722

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

OHSHIMA, Masataka
Ohshima Patent Office
Fukuya Bldg.
3, Yotsuya 4-chome
Shinjuku-ku, Tokyo 160-0004
JAPON

RECEIVED

NOV. - 6. 2006

OHSHIMA PATENT
OFFICE

Date of mailing (day/month/year) 26 October 2006 (26.10.2006)
--

Applicant's or agent's file reference G49SUN

IMPORTANT NOTIFICATION

International application No. PCT/JP2005/000722
--

International filing date (day/month/year)
14 January 2005 (14.01.2005)

Applicant SUN MEDICAL CO., LTD. et al
--

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP, KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

Facsimile No. +41 22 338 82 70

TRANSLATION

**PATENT COOPERATION TREATY
PCT**

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference jp05722	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2005/000722	International filing date (day/month/year) 14.01.2005	Priority date (day/month/year) 15.01.2004	
International Patent Classification (IPC) or national classification and IPC A61K6/00, C09J4/00, 4/02, 11/06			
Applicant SUN MEDICAL CO., LTD.			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																								
<p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																						
<input type="checkbox"/>	Box No. II	Priority																						
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																						
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																						
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																						
<input type="checkbox"/>	Box No. VI	Certain documents cited																						
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																						
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/000722

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following which is the language of a translation furnished for the purposes of:
 international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
 the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets _____ as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
 The amendments have resulted in the cancellation of:
 the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/JP2005/000722

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																			
<p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims Claims</td> <td>YES NO</td> </tr> <tr> <td></td> <td>1-7</td> <td></td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims Claims</td> <td>YES NO</td> </tr> <tr> <td></td> <td>1-7</td> <td></td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims Claims</td> <td>YES NO</td> </tr> <tr> <td></td> <td>1-7</td> <td></td> </tr> </table>			Novelty (N)	Claims Claims	YES NO		1-7		Inventive step (IS)	Claims Claims	YES NO		1-7		Industrial applicability (IA)	Claims Claims	YES NO		1-7	
Novelty (N)	Claims Claims	YES NO																		
	1-7																			
Inventive step (IS)	Claims Claims	YES NO																		
	1-7																			
Industrial applicability (IA)	Claims Claims	YES NO																		
	1-7																			
<p>2. Citations and explanations (Rule 70.7)</p> <p>Document 1: JP 05-253284 A (Mitsui Petrochemical Industries, Ltd.)</p> <p>Document 2: JP 09-110913 A (San Medical Kabushiki Kaisha)</p> <p>Document 3: JP 9-309811 A (Tokuyama Corporation)</p> <p>(1) Novelty</p> <p>The invention set forth in claims 1 to 7 lacks novelty in the light of document 1. Document 1 indicates that a polar organic compound and an inactive diluent are contained in specific quantities in relation to a hardener.</p> <p>(2) Inventive Step</p> <p>The invention set forth in claims 1 to 7 does not involve an inventive step in the light of document 1. It would be easy for a person skilled in the art to have a polar organic compound and an inactive diluent contained in specific quantities with respect to a hardener in the invention set forth in document 1 to constitute a polymerization initiating composition.</p> <p>The invention set forth in claims 1 to 7 does not involve an inventive step in the light of documents 1, 2 and 3. Document 2 sets forth a polymerization initiating composition with improved safety with respect to catching</p>																				

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2005/000722

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

fire, comprising an organic boron compound and an aprotic solvent. Document 3 sets forth a dental adhesive composition containing an arylborate compound and an organic solvent. The inventions set forth in documents 1 to 3 belong to the common technical field of dental adhesive compositions containing organic boron compounds, therefore it would be easy for a person skilled in the art to have the organic boron compound set forth in document 2 serve as the hardener set forth in document 1, and the aprotic solvent set forth in document 2 and the organic solvent set forth in document 3 serve as the polar organic compound and inactive diluent set forth in document 1, in order to provide the composition with the desired characteristics, and thereby constitute a polymerization initiating composition.